

VI. Trespass Prevention

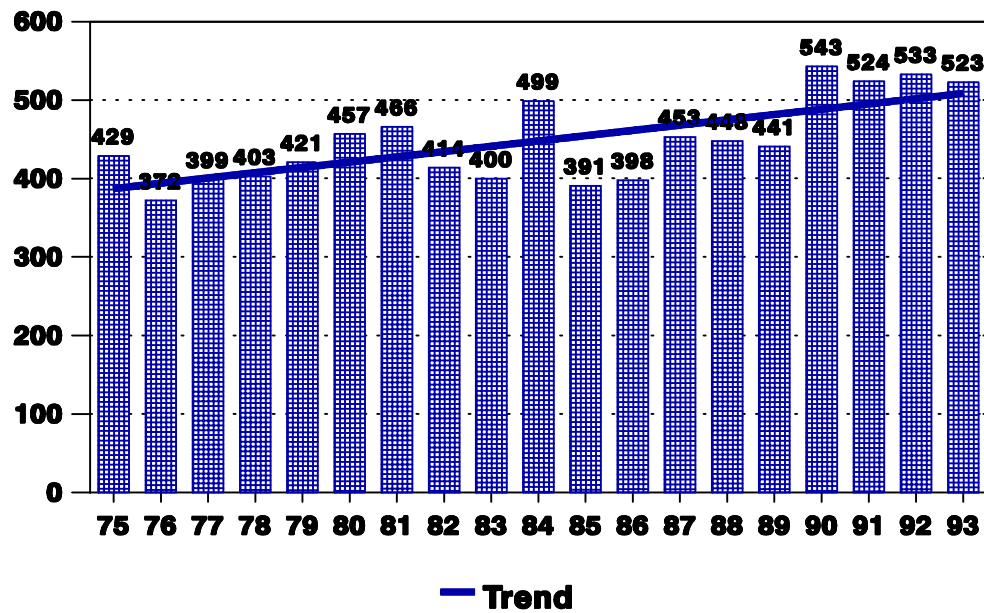
Trespasser defined: A person who is on that part of railroad property used in railroad operations and whose presence is prohibited, forbidden or unlawful. For purposes of this plan, and to avoid double counting, persons at highway-rail crossings are excluded from trespasser counts, regardless of the types of warning devices at the crossing.

The focus of the Federal effort regarding trespassing on railroad rights-of-way is to **prevent** trespassing from occurring in the first place, not to make trespassing safe. Trespassing on rail rights-of-way is illegal and dangerous and should not be condoned or facilitated.

Trespassing on rail rights-of-way results in more than 1,000 deaths and injuries each year. In 1990, (and in each year since then) the number of trespassers who died on rail rights-of-way exceeded 500 for the first time. To the industry, this presents a true Gordian knot. Trespassers are not a single, cohesive group. Their one common attribute is the illegality of their act (trespassing). Because of this diversity, it is not likely that trespassers will respond to a single national initiative. Regional programs have more promise. The Department of Transportation will target this problem. Our goal is to raise public and police awareness of the illegality of, dangers inherent in, and the extent of, trespassing on railroad right-of-way.

Trespasser Fatalities

U.S. Railroads



Source: Federal Railroad Administration

Figure 1

A related issue is vandalism. Railroads are reporting nearly 200 incidents per month of vandalism to automated warning devices at highway-rail crossings. This figure does not include vandal-caused damage to other railroad facilities, equipment and lading. Various provisions of Federal law address crimes directed at railroad equipment, passengers and employees. See 18 U.S.C. 1991 (entering a train to commit a crime), 18 U.S.C. 1992 (wrecking trains), and 15 U.S.C. 1281 (destruction of property moving in interstate commerce). While in many instances, vandalism to warning devices at highway-rail crossings may be considered to be within the scope of one of the above statutes, there is no Federal statute dealing directly with vandalism of these devices. Many states have similar statutes to the ones listed above.

The following actions are proposed:

A. Demographic Survey

FRA has requested FY 95 funds to initiate a study of trespasser problems and potential solutions. This effort will start with a survey and determination of the types of individuals and activities which are involved or result in trespasser casualties.

B. Trespasser Casualty Reporting

FRA is in the process of developing an NPRM addressing railroad accident reporting. FRA will propose gathering information from the railroads regarding the circumstances of the incident. This proposal will be published this year.

C. Workshop on Trespass Prevention

FRA will work with the railroad industry, railroad police and Operation Lifesaver to plan and host a second Workshop on Trespass Prevention. (The first was held in 1992.) The workshop will be held this year.

D. Regional Campaigns

Working with OL of Southern California, the FRA will develop a low-cost public service announcement (PSA) for television which addresses, in thirty seconds, the stark reality of trespasser casualties. FRA will work with the Congress, the Federal Highway Administration, the Association of American Railroads and OLI to clarify OLI's role in trespass prevention.

E. Model Trespass Prevention Code

FRA will work with rail industry police and legal staff to synthesize existing state and Federal code regarding trespass and vandalism prevention and to develop proposed code (model legislation) for consideration by state legislatures.